

Applicants : Maureen J. Charron and Ellen B. Katz
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the efficacy of therapy and prognosis of a subject who has a defect in cell proliferation, by assaying GLUTx expression using either an antibody or a nucleic acid probe.

Applicants maintain that a search for one Group would necessarily identify art pertinent to the other Group. Applicants respectfully point out that if a search and examination of multiple groups can be made without serious burden on the Examiner, the Examiner must examine the application on the merits, even though it includes claims to independent or distinct inventions (MPEP §803). Applicants maintain that it would not place an undue burden on the Examiner to examine both Groups I and II.

Applicants also note that the Examiner stated that Claims 1-3 link(s) inventions I and II; that the restriction requirement between the linked inventions is subject to the non-allowance of the linking claim(s), claims 1-3; and that upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicants also maintain that claims 11-13, and 21-23 are also "linking claims".

Information Disclosure Statement

In accordance with their duty of disclosure under 37 C.F.R. §1.56, applicants would like to direct the Examiner's attention to the references listed on the attached forms PTO/SB/08A and PTO/SB/08B (substitutes for Form PTO/1449). Applicants further enclose a copy of the following reference which is listed on the forms:

Reagan, L.P. et al. Localization and regulation of GLUTx1 glucose transporter in the hippocampus of streptozotocin diabetic rats. Proc. Nat. Acad. Sci. 98(5): 2820-2825, February 27, 2001.

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Applicants note that the remaining references listed on the attached forms were previously cited or submitted in connection with U.S. Serial No. 09/516,493, from which the subject application claims priority under 35 U.S.C. §120. Accordingly, pursuant to 37 C.F.R. §1.98(d), copies of previously cited or submitted references are not included with this Information Disclosure Statement.

The subject Information Disclosure Statement is being submitted before the mailing of a first Office Action on the merits. Accordingly, pursuant to 37 C.F.R. §1.97(b)(3), no fee is deemed to be required in connection with submission of this Information Disclosure Statement.

No fee is deemed necessary to preserve the pendency of the subject application; however, if a fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785.

Respectfully submitted,

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New York, New York

By 

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